

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Bryan Adams,

Petitioner,

v.

Jeremy Bean, et al.,

Respondents.

Case No.: 2:23-cv-01930-JAD-BNW

**Order Granting Motion to Voluntarily  
Dismiss Petition for Writ of Habeas  
Corpus**

[ECF No. 12]

Counseled Petitioner Bryan Adams filed his 28 U.S.C. § 2254 petition for writ of habeas corpus,<sup>1</sup> challenging his state-court conviction. After counsel was appointed, I granted Adams leave to file an amended petition.<sup>2</sup> Having discussed with his counsel the circumstances of his guilty plea and sentencing, the factual and procedural position of his petition, and the possible consequences of proceeding forward with this action, Adams now desires to voluntarily dismiss his habeas petition.<sup>3</sup> Respondents do not oppose Adams's request.<sup>4</sup>

Under Federal Rule of Civil Procedure 41(a)(1), a petitioner has an absolute right to voluntarily dismiss his action prior to service of an answer or a motion for summary judgment.<sup>5</sup> Because this case has not proceeded past that point, I grant Adams's request.

---

<sup>1</sup> ECF No. 1-1.

<sup>2</sup> ECF Nos. 6, 9.

<sup>3</sup> ECF No. 12 at 4.

<sup>4</sup> ECF No. 13.

<sup>5</sup> See *Luna v. Kernan*, 784 F.3d 640, 643 (9th Cir. 2015) (motions for voluntary dismissal filed prior to an answer or summary judgment motion "are automatically granted.").

**IT IS THEREFORE ORDERED THAT:**

1. Petitioner Bryan Adams's motion to voluntarily dismiss the entire petition [ECF No. 12] **is GRANTED** under Rule 41(a)(1)(A).
2. A certificate of appealability is **DENIED** as jurists of reason would not find the dismissal of the petition to be debatable or wrong.
3. The Clerk of the Court is directed to **CLOSE THIS CASE**.

  
\_\_\_\_\_  
U.S. District Judge Jennifer A. Dorsey  
Dated: August 20, 2024